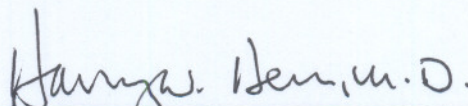


2. MSKCC provides cancer diagnosis and treatment services to patients in New York City. Plaintiff, Helen S. Kahaner, was a patient at MSKCC in February and March 2007. I treated her during that period.

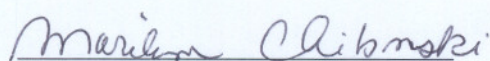
3. I am a full time employed physician at MSKCC. My practice is solely limited to the patients I see at MSKCC. I have no outside practice. I generate my medical practice income solely from the services I provide at MSKCC. The income reflected on my W-2 form previously provided to this Court as part of MSKCC's Motion to Dismiss represents the entirety of my medical practice income.

4. I did not and do not receive any income from Assurant or any other insurance company. I never received the checks allegedly sent by Assurant for the services provided to the Plaintiff. It is my understanding that these checks were received by MSKCC and deposited directly into one of MSKCC's physician group accounts.

5. Accordingly, MSKCC did not bill Assurant or Plaintiff for my services as a third party collecting on my behalf. Rather, MSKCC billed on its own behalf for my services performed as a full time physician employee of MSKCC.


HARRY W. HERR, M.D.

Sworn to before me this
15 day of May, 2008


NOTARY PUBLIC

MARILYN CHIBOWSKI
Notary Public, State of New York
No. 01CH5076602
Commissioned and Qualified
In Rockland County
Commission Ends 4/21/11